

**SANDLER, TRAVIS & ROSENBERG, P.A.**

**ATTORNEYS AT LAW**

551 FIFTH AVENUE  
NEW YORK, NEW YORK 10176

(212) 883-1300  
FAX (212) 883-0068  
E-MAIL ADDRESS: kwolf@strtrade.com  
WEBSITE: www.strtrade.com

KENNETH N. WOLF

September 5, 2008

Via Facsimile (212) 805-4258 and electronic filing

Hon. Debra C. Freeman  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 525  
New York, NY 10007

Re: Indemnity Insurance Co. v. "K" Line America v. World Commerce Services, LLC  
USDC/SDNY Case No. 08 MDL 01936/Assoc. 06 Civ. 0615 (BSJ)(DCF)  
Our Ref. No. 019522.10073

Dear Judge Freeman:

We are counsel for World Commerce Services LLC ("WCS"). We write to request a further modification of the dates for completing expert discovery in the New York component of the action. The present deadline for completing expert depositions is October 10, 2008.

The undersigned is scheduled to begin a trial on October 15, 2008, before the Hon. William J. Martini, in the United States District Court for the District of New Jersey in the matter of *San Lucio S.r.L. et al. v. Import & Storage Services, LLC, et al.*, 07 cv 3031. There are at least 17 witnesses, including a number of foreign witnesses, who are scheduled to provide testimony, and the trial is expected to last at least a week. The matter is unlikely to be settled or postponed. After trial, we anticipate that Judge Martini will require fairly prompt submission of Proposed Findings of Fact and Conclusions of Law.

As outlined in Mr. Kimball's letter dated July 2, he was effectively unavailable for depositions during the period August 11 - 29 and is on vacation through September 13. Mr. Mazaroli is scheduled for vacation for the period September 5 - 23.

World's expert witnesses are available for a brief window during the week of September 29. However, the Jewish New Year begins at sundown on the 29<sup>th</sup> and

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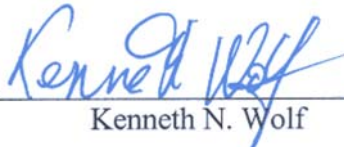
continues on the 30<sup>th</sup> and 31<sup>st</sup>. The Yom Kippur holiday begins at sundown on October 8<sup>th</sup> and concludes on the 9<sup>th</sup>. In anticipation of further scheduling issues, I have already ascertained that Thomas Johnson, one of World's expert witnesses, is not available during the first week of November. However he is available during the weeks of November 10 and November 17. George Braun, World's other expert witness, is also available during that time frame.

The intervention of both the Jewish High Holidays and the impending trial in New Jersey, which will require a tremendous amount of witness preparation, is sufficiently challenging that we are obliged to request an extension through and including November 19 within which to allow the parties to complete the present phase of expert witness depositions. Counsel for the cargo interests, K Line and Union Pacific have indicated that they have no objection to the request. We thank your Honor for your consideration.

Very truly yours,

**SANDLER, TRAVIS & ROSENBERG, P.A**

By:

  
Kenneth N. Wolf

Cc: All counsel/via email only